



Appeal Decision

Site visit made on 19 October 2020

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12/11/2020

Appeal Ref: APP/Q5300/W/20/3248915

167 Hertford Road, Enfield EN3 5QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bilal Hassan against the decision of the London Borough of Enfield Council.
 - The application Ref 19/01885/FUL, dated 13 May 2019, was refused by notice dated 24 February 2020.
 - The development proposed is new flat at rear at 2nd floor level.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. From my understanding, No 167 Hertford Road comprises of a ground floor shop with a flat above, No 167a and a building to the rear numbered 167b at first floor level; and 167c at ground level. The proposal would create another flat above No 167b. The decision notice refers to the impact on No 167 but it seems that this should be No 167a. I have based my assessment on this observation.

Main Issues

3. I consider that the main issues are the effect of the proposed new flat on-
 - the living conditions of the occupiers of 167a Hertford Road and future occupiers of the proposed flat and
 - the character and appearance of the area.

Reasons

4. The appeal site is at the end of a row of commercial properties with living accommodation above. The main access to the commercial properties is from Hertford Road with a service access to the rear. A rear elevated walkway provides access to the living accommodation above. Beyond the rear service access are school playing fields and adjacent on Hertford Road is the site of a demolished public house, fenced for future development.

5. Core Strategy¹ Policy CP 4 relates fairly generally to the quality of housing and CP 30 relates to maintaining and improving the quality of the built and open environment. Development Management Document² Policy DMD 8 sets out general standards for new residential developments, which amongst other things, must preserve amenity in terms of outlook, privacy and overlooking and be of an appropriate scale, bulk and massing. Policy DMD 10 sets out distances that should be maintained between buildings, which amongst other things maintains privacy. DMD 37 seek to achieve high quality and design-led development. Amongst other things, development should have appropriate regard for its surroundings and capitalise on the opportunities available for improving an area in accordance with a set of criteria outlining the objectives of urban design, this includes character.

Living Conditions

6. An existing stairwell provides access to the walkway and the flat at 167a, which is above the ground floor shop, and the existing flat at 167b, which is in the block directly opposite 167a. Access to the proposed flat would involve continuing the stairwell to a new flat above 167b. The internal layout of the proposed flat would provide a WC and a shower room adjacent to the entrance door and hall. These could be obscurely glazed to avoid any direct overlooking of 167a. A recessed elevation would however, also include the only window to the open plan living/dining/kitchen area. This would be off-set slightly from the main habitable room windows to flat 167a opposite but it would still allow for a relatively short distance between habitable room windows. This distance would be likely to cause overlooking and a loss of privacy between dwellings.
7. The distance between the front elevation of the proposed flat and the elevation facing it at 167a would fall a considerable distance short of the standards cited in Policy DMD 10. Even taking into account angles and off-set windows, the distances between habitable windows would be such as to impact on the privacy of the existing occupiers of flat 167a and the proposed flat. This would conflict with policies DMD 8 and DMD 10. Furthermore, due to the proximity of the flats, the outlook from the proposed flat could be adversely affected which would conflict with Policy DMD 8.

Character and Appearance

8. The area is characterised by the long terrace of three storey pitched roofed properties with commercial uses on the ground floor and living accommodation above of which the appeal site forms a part.
9. The existing building to the rear is flat roofed and two stories high. Its appearance is that of an ancillary building. Adding another floor would increase its height making it a more prominent building. Even in the context of the substantial terrace of which No 167 and 167a forms a part and taking into account the existing parapet to the flat roof building forming flats 167b and 167c, the additional bulk and appearance of a three storey flat roofed building would be considerable and create a much more visually intrusive feature in this location. I have taken into account that this element of the building is located to the rear of the more imposing terrace on Hertford Road.

¹ The Enfield Plan Core Strategy 2010-2025 Part of Enfield's Local Development Framework, Adopted November 2010.

² Enfield Council Improving Enfield Development Management Document (DMD), Adopted November 2014.

10. I do not consider that the design, bulk and appearance of the proposal would be consistent with the objectives of policies CP 30, DMD 37 or DMD 8.

Conclusion

11. I have taken all matters raised into consideration including other policies not specifically referred to above. However, none alter my conclusion. I conclude that the proposal would have a harmful effect on the living conditions of the existing occupiers of neighbouring residential accommodation at 167a Hertford Road and those of future occupiers of the proposed flat and it would have a harmful effect on the character and appearance of the area. The proposal would conflict with the policies referred to above and therefore the appeal fails.

J D Clark

INSPECTOR